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14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

17 DON C. BENNETT, COMERLIS DELANEY,  
18 GARY ROBINSON, DARREN SCOTT, and  
JON HOTZLER, on behalf of themselves and  
all others similarly situated,

19 Plaintiffs,

20 vs.

21 SIMPLEXGRINNELL LP,

22 Defendant.  
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Case No.: 11-1854 JST (NJV)

**STIPULATION AND ~~PROPOSED~~ ORDER  
FOR ADDITIONAL EXTENSION OF  
PLAINTIFFS' EXPERT REPORT DEADLINE**

Hon. Jon S. Tigar

1 PLAINTIFFS AND DEFENDANT, BY COUNSEL, STIPULATE AND AGREE AS  
2 FOLLOWS:

3 1. The report of plaintiffs' proposed expert witness Robert Fountain is due today,  
4 October 15, 2013. The parties stipulate to, and ask the Court to order, a one day extension, to  
5 October 16, 2013, for plaintiffs to serve Dr. Fountain's report.

6 2. The parties agree to confer further on October 16, 2013 regarding Dr. Fountain's report,  
7 and one or both of them may seek appropriate guidance from the Court as a result of those discussions.

8 Dated: October 15, 2013

Respectfully submitted,

9  
10 /s/ James Kan

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1 Dated: October 15, 2013

Respectfully submitted,

2  
3 /s/ Dominick C. Capozzola

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Attorneys for Defendant

16 **ATTESTATION**

17 Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has  
18 been obtained from each of the other signatories.

19 Dated: October 15, 2013

Respectfully submitted,

20  
21 /s/ James Kan


22 James Kan  
23 GOLDSTEIN, BORGAN, DARDARIAN & HO

Attorneys for Plaintiffs

**~~PROPOSED~~ ORDER**

Pursuant to the Stipulation of the parties and GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: October 16, 2013

  
\_\_\_\_\_  
Honorable Jon S. Tigar  
United States District Court Judge